



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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Governor

Janet Napolitano

Commissioners

Chairman, W. Hays Gilstrap, Phoenix

Joe Melton, Yuma

Michael M. Golightly, Flagstaff

William H. McLean, Gold Canyon

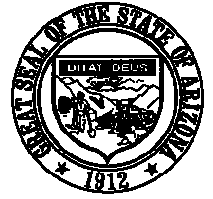
Bob Hernbrode, Tucson

Director

Duane L. Shroufe

Deputy Director

Steve K. Ferrell



Revision #1

May 16, 2005

A public meeting of the Arizona Game and Fish Commission will be held on May 20, 2005, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

Friday, May 20, 2005, Arizona Game and Fish Commission at the Hassayampa Inn, 122 E. Gurley St., Prescott, AZ 86301.

Meeting begins at 8:00 a.m.

Awards and Commissioning of Officers.

- 1. Presenter: Bob Broscheid, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other matters related hereto. The update addresses decisions or activities since the April 2005 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 2. Presenter: Bob Broscheid, Habitat Branch Chief. A Briefing on the Impacts and Limitations that Special Land Designations have on the Department's Current and Future Ability to Conduct Fish and Wildlife Management Actions.** The Commission will be briefed on the impacts and limitations that special land designations have on the Department's current and future ability to conduct necessary fish and wildlife management actions. The Commission may vote to take action on, or to provide the Department with direction on, this item.

***DELETE**

- 3. Presenter: Bob Broscheid, Habitat Branch Chief. Request for Commission Approval of the Acquisition of Approximately 26 acres of Circle 5 Ranch and a Perpetual Access Easement into Peck Canyon in the Atascosa Mountains, Santa Cruz County, Arizona.** The Commission will be asked to vote to approve the acquisition of approximately 26 acres of Circle 5 Ranch and a perpetual access easement into Peck Canyon in the Atascosa Mountains, Santa Cruz County, to provide public access to over 30,000 acres in the Coronado National Forest and to prepare and execute a Purchase Agreement and Cooperative Agreement.
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***ADD**

- 3. Presenter: Duane Shroufe, Director. Request for the Commission to Authorize the Department to Spend Funds Out of the Wildlife Conservation Fund on Dam Repairs on River Reservoir.** The Commission will be asked to authorize the Department to spend up to \$950,000 for part of the repair cost to the River Reservoir Dam.
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- 4. Presenter: Bob Broscheid, Habitat Branch Chief. Request for the Commission to Approve a New Cooperative Agreement with the Town of Pinetop-Lakeside for the Continued Use and Maintenance of a Trail through Commission-owned Property at the Pinetop Regional Office, Navajo County, Arizona.** The Commission will be asked to vote to approve a new Cooperative Agreement with the Town of Pinetop-Lakeside for the continued use and maintenance of a trail through Commission-owned property at the Pinetop Regional Office, Navajo County, Arizona.
- 5. Presenter: Anthony Guiles, Legislative Liaison. State and Federal Legislation.** The Commission will be briefed on the status of State and Federal legislation. The Commission may vote to take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
- 6. Presenter: Mark Weise, Development Branch Chief. Harrington Petition to Close a Road on State Trust Land Approximately Five Miles North of Chino Valley, Arizona.** The Department will be asking the Commission to vote to approve a petition submitted by Ann Nelson Harrington to close a road on State Trust Land located approximately five miles north of Chino Valley, Arizona.
- 7. Presenter: Don Winslow, Education Branch Chief. Statewide Shooting Range Briefing.** The Commission will be given an update of Department activities related to shooting range support and development statewide. The update covers activities that have occurred since the April 2005 Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

8. **Presenter: Don Winslow, Education Branch Chief. Briefing on the Archery in Schools Program.** The Commission will be briefed on the status of the Department's Archery in Schools program. The Commission may vote to take action on, or provide the Department with direction on, issues related to the program.
9. **Presenter: Don Winslow, Education Branch Chief. Request to Create the Position of State Shooting Range Administrator.** The Department will ask the Commission to vote to approve a new full-time employee position, that of State Shooting Range Administrator.
10. **Presenter: Sherry Crouch, Acting Rules and Risk Manager. Request to Approve a Notice of Proposed Rulemaking to Add R12-4-309, Restrictions on the Use of Artificial Light.** The Commission will be asked to vote to approve a Notice of Proposed Rulemaking to add R12-4-309, Restrictions on the Use of Artificial Light to restrict the use of spotlights during hunting seasons as stated in the petition for rule submitted by the Arizona Deer Foundation, and approved by the Commission at their February 2004 meeting, to be submitted to the Secretary of State's Office for publication in the *Arizona Administrative Register*.
11. **Presenter: Lawrence M. Riley, Fisheries Chief. Petition to Revise Rule R12-4-315, Allowing for the Live Transport of Black Bass for Off-site Tournament Weigh-ins.** The Commission will be asked to vote to deny the petition but direct the Department to consider this rule change during the next review of Article 3.
12. **Presenter: Richard Rico, Assistant Director, Special Services. Rule R12-4-114(D) and the Ten Percent Cap Associated with Issuing Buffalo Hunt Permit-Tags to Non-Residents.** The Department will provide the Commission with information related to the current requirements in R12-4-114(D) as it concerns the 10% cap associated with issuing buffalo hunt permit-tags to non-residents. The Commission may vote to suspend that portion of R12-4-114(D) that imposes a cap on nonresident buffalo hunt permit-tags.
13. **Presenter: Steve Ferrell, Deputy Director. Selection of a Replacement Member for the Heritage Public Advisory Committee.** The Commission will be asked to vote to approve the selection of one new member from a list of nominees for the vacant Region I Heritage Public Advisory Committee position.
14. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

Lunch Break (at Time Certain 12:00 p.m.)

15. **Executive Session (Immediately Following the Lunch Break, But No Later Than 1:00 p.m.)**

- a. **Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position on *Montoya v. Manning*, CIV98-0239 PHX RCB; *Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Zoological Society, et. al. v. BLM, IBLA appeal no. 2002-412*; *Audubon Society of Portland v. USFWS*, CV04-670-KI; and *State of Arizona v. George H. Johnson*, CV2005-002692.

The Afternoon Public Session begins immediately following the Executive Session, but no later than 2:00 p.m.

***CHANGE (Presenter only)**

16. Presenter: Ron Day, Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife, at Time Certain 2:00 p.m. The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Conviction</u>
Murray, Sr., David L.	Count A: Possess unlawfully taken wildlife (elk). Count B: Exceed bag limit on elk (take 3 elk).
Shirley, Raymond N.	Count A: Possess unlawfully taken wildlife (elk) Count B: Attach tag to an elk that one did not kill.
Childers, Charles E.	Count B: Guide – hold lion at bay.
Smart, Misty D.	Count B: Take wildlife without valid license/permit (Mountain Lion). Count C: Take wildlife by unlawful method.
Smart, Joshua D.	Count A: Possess unlawfully taken wildlife (Mountain Lion). Count B: Transport unlawfully taken wildlife (Mountain Lion). Count C: Obtain lion tag by fraud.
Ebbert, James H.	Count C: Amended charge of hunt without a valid license.

Warner, Russell B.	Count C: Amended charge of hunt without a valid license.
Haskins, Robert W.	Count C: Amended charge of hunt without a valid license.
Shumway, Jason J.	Count A: Take wildlife without permit (antelope).
Stubblefield, Wilma J.	Count A: Allow another to use big game tag (deer).

***CHANGE (Presenter only)**

17. Presenter: Ron Day, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment. Mr. Eric M. Johle has requested that the Arizona Game and Fish Commission grant a rehearing regarding the action taken on **January 21, 2005**, revoking his licenses to hunt, fish, and trap for a period of five (5) years and further requiring that he complete a Hunter Education course before obtaining any license in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.

***ADD**

17a. Presenter: Jim Odenkirk, Assistant Attorney General. Discussion of the Department's Wildlife Holding Permit and Scope of Review of the Department's and Commission's Authorities. The Commission may discuss the situations and criteria for a wildlife holding permit and the scope of review of a Department decision denying an application for a wildlife holding permit.

18. Litigation Report. The Department's legal counsel may report on the status of the following litigation matters: *Montoya v. Manning*, CIV98-0239 PHX RCB; *Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; *Arizona Zoological Society, et. al. v. BLM*, IBLA appeal no. 2002-412; *Audubon Society of Portland v. USFWS*, CV04-670-KI; *State of Arizona v. George H. Johnson*, CV2005-002692; and issues associated with potential litigation over the status of black-tailed prairie dogs and mountain plovers, and Mexican garter snake. A written report will also be available. The Commission may vote to take action on any case.

19. Call to the Public. Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the

Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

20. Director's and Chairman's Reports. The Director and the Chairman will report on recent Department and Commission activities. An update on the Director's current goals and objectives may be provided during the briefing. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

21. Commissioners' Reports. The Commissioners will report on their recent activities related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

22. Approval of Minutes for August 13 and 14, 2004; September 17, 2004; September 22, 2004; October 29, 2004; December 10 and 11, 2004; January 4, 2005; January 21, 2005; March 11 and 12, 2005; and April 15 and 16, 2005; and signing of minutes for February 11, 2005.

23. Future Agenda Items.

The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 2222 West Greenway Road, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

During the public meeting, the Commission may afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

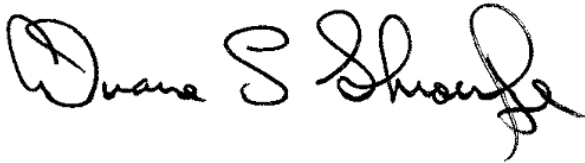
The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 2221 W. Greenway Road, Phoenix, Arizona 85023, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of

licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

“Managing Today for Wildlife Tomorrow”

A handwritten signature in black ink, reading "Duane L. Shroufe". The signature is written in a cursive style with a large, stylized "D" and "S".

Duane L. Shroufe
Director

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